

REMARKS

The Examiner's continued attention to the application is noted with appreciation. Claims 43 and 44 have been cancelled because they were redundant. New claims 45 through 47 have been added. Claims 1, 18, 30 (and some dependent claims) have been amended.

In the Office Action dated April 17, 2008, the Examiner rejected claims 1, 7, 10-11, 16-17, and 38-40 under 35 U.S.C. § 102(b) as being anticipated by Martinet (U.S. Patent No. 4,306,769). The Examiner also rejected claims 18, 22, 28-29, and 43 under 35 U.S.C. § 103(a) as unpatentable over Martinet (U.S. Patent No. 4,306,769). Applicant respectfully disagrees. Applicant has amended his claims to recite the following key elements:

- Claim 1: "said tapered light tube rectilinear along its entire length"
- Claim 18:
 - "a tapered rectilinear light tube"
 - "a diffused dome"
 - "directly contacting the roof with no flashing"
- Claim 30:
 - "a rectilinear, tapered light tube"
 - "contacting the tube directly with the roof using no flashing"
- New claims 45-47: a "randomly diffused dome".

None of these elements are shown in or rendered obvious by Martinet.

The Martinet device has a different shape which is not rectilinear along its entire length, does not include a diffused dome, and includes or requires "flashing."

Applicant's Rectilinear Tube Vs. Martinet Trumpet-Shaped Tube

Applicant recites a tapered tube which is rectilinear along its entire length (see Fig. 1). A skylight dome at the top and the bottom diffuser are attached to the tube.

Martinet discloses a device with a trumpet-like flared shape and reflectors or rims. The Martinet outer rim holds the inner tubular device, is secured to the roof and allows the tube to tilt (see Col. 2, lines 55-60; Figs. 1 through 4). Martinet, Col. 2 beginning at line 56, states "has a trumpet-like flared shape."

Martinet Does Not Disclose a Diffused Dome or a Randomly Diffused Dome

Applicant recites a diffused dome on the top of the light tube in independent claims 18 and 30. New claims 45-47 have been added to include that the diffusion in the top dome is designed as random. The new claims are supported by Fig. 2 (cut-away view of dome) of the original application; **22** identifies the diffused pattern, which is random. Further support is found in the original application on page 7, lines 25-26 describing the diffused texture to capture the exterior light from "various angles".

As the Examiner points out, Martinet does not directly disclose a diffuser nor does Martinet disclose a dome with diffusion.

Applicant's Invention Does Not Use "Flashing"

The Examiner has identified that Martinet uses "flashing." The Examiner stated that Martinet discloses a light tube comprising structural materials configured to serve as flashing. Drawing attention to Figures 1 through 4, the Martinet device discloses a tube within another tube with reflectors or rims. The reflectors or rims also serve as "flashing."

Applicant's invention does not use conventional flashing. The structure of the tube itself serves as a seal, but it is not flashing as widely know in the industry. Rather, Applicant's invention (independent claims 18 and 30) requires no flashing (see page 2, beginning line 17). Because Applicant's invention (independent claims 18 and 30) fits directly into the roof opening, no flashing is required. No cracks or weak spots result from attaching the tube or dome to

flashing. The light tube of the present invention fits directly into and is abutted to the roof opening. The present invention is also distinguished from the prior art, which prior art is described as follows: "Securing the outer dome to the flashing with screws or bolts consumes time and tends to crack the outer dome at the points of pressure. In this area where the dome meets the flashing, small holes or slits are used in an effort to keep out condensation that builds up inside tubular skylight systems. The holes allow the system to breathe, exhaling in the heat of the day, and inhaling moisture, dust, bugs, and other contaminants at night, which in time ruins the highly reflective light tube" (Applicant, page 2, beginning at line 2).

The Examiner also states that Martinet's device is not permanently sealed. Martinet does not disclose a permanent seal, and additionally uses separate pieces for connection to the roof. Every connection is an opening. Applicant's invention (see claims 18 and 32) discloses a permanently sealed light tube to prevent moisture, dust and insects from contaminating the skylight system.

Therefore, independent claims 1, 18 and 30 are believed allowable over Martinet. Claims 7, 10-11, 16-17, 22, 28-29, 38-40 are dependent on claims 1 and 18, and are therefore believed allowable over Martinet.

The Examiner rejected claims 3-5, 21, 30-32, and 41-42 under 35 U.S.C. § 103(a) as unpatentable over Martinet (U.S. Patent No. 4,306,769) in view of Boyd (U.S. Patent No. 2,858,734). As stated above, Martinet does not have a rectilinear tube along its entire length, a diffused dome, and has flashing. As described in amended claim 30, Applicant discloses a rectilinear, tapered light tube in direct contact with the roof, does not use flashing, and has a completely diffused dome. Boyd does not cure the deficiencies of Martinet. Boyd discloses a spherically shaped skylight which fits on top of roofing materials, is held by a curb and bracket, and requires flashing. Boyd states, "Referring to Figs. 1 and 2, the skylight comprises a circular block **20** made of light-transmitting material such as glass or plastic which is mounted on a curb

21 surrounding the opening in ceiling **22**. The block **20** is circular in plan view and comprises spaced walls **23**, **24** and a peripheral rim **25** which rests on a gasket **26** supported by the top of the curb **21**. The block **20** is held in position on the curb **21** by any suitable means such as a peripheral bracket **27**" (see Col. 2, lines 55 to 63). Thus, Boyd has flashing and does not have a rectilinear, tapered light tube. Accordingly, it is believed that claims 3-5, 21, 30-32 and 41-42 are allowable over the references cited by the Examiner.

The Examiner rejected claims 8 and 23 under 35 U.S.C. § 103(a) as unpatentable over Martinet (U.S. Patent No. 4,306,769) in view of DeBlock (U.S. Patent Application Publication No. 2003/0066254 A1). As described above, Martinet neither teaches nor renders obvious Applicant's invention, which comprises a tapered tube which is rectilinear, a diffused dome on the top of the tube, and does not require flashing. Claims 8 and 23 are dependent on claims 1 and 18. DeBlock does not cure the deficiencies of Martinet. Accordingly, it is believed that claims 8 and 23 are allowable over the references cited by the Examiner.

The Examiner rejected claims 12, 15, 24 and 26 under 35 U.S.C. § 103(a) as unpatentable over Martinet (U.S. Patent No. 4,306,769) in view of Lynch (U.S. Patent No. 5,596,848). As described above Martinet does not disclose or render obvious Applicant's invention, which comprises a tapered tube which is rectilinear, a diffused dome on the top of the tube, and does not require flashing. Claims 12, 15, 24 and 26 are dependent on claims 1 and 18. Lynch does not cure the deficiencies of Martinet. Accordingly, it is believed that claims 12, 15, 24 and 26 are allowable over the references cited by the Examiner.

The Examiner rejected claims 13, 14, 25 and 27 under 35 U.S.C. § 103(a) as unpatentable over Martinet (U.S. Patent No. 4,306,769) in view of Chao et al. (U.S. Patent No. 5,896,713). As described above, Martinet neither teaches nor renders obvious Applicant's invention, which comprises a tapered tube which is rectilinear, a diffused dome on the top of the tube, and does not require flashing. Claims 13, 14, 25 and 27 are dependent upon claim 18.

Chao et al. do not cure the deficiencies of Martinet. Accordingly, it is believed that claims 13, 14, 25 and 27 are allowable over the references cited by the Examiner.

The Examiner rejected claim 33 under 35 U.S.C. § 103(a) as unpatentable over Martinet (U.S. Patent No. 4,306,769) in view of Boyd (U.S. Patent No. 2,858,734) in view of Lynch (U.S. Patent No. 5,596,848). As described above, Martinet neither teaches nor renders obvious Applicant's invention, which comprises a tapered tube which is rectilinear, a diffused dome on the top of the tube, and does not require flashing. Claim 33 is dependent on claim 30. Boyd and Lynch do not cure the deficiencies of Martinet. Accordingly, it is believed that claim 33 is allowable over the references cited by the Examiner.

The Examiner rejected claim 34 under 35 U.S.C. § 103(a) as unpatentable over Martinet (U.S. Patent No. 4,306,769) in view of Boyd (U.S. Patent No. 2,858,734) in view of Chao et al. (U.S. Patent No. 5,896,713). As described above, Martinet neither teaches nor renders obvious Applicant's invention, which comprises a tapered tube which is rectilinear, a diffused dome on the top of the tube, and does not require flashing. Claim 34 is dependent upon claim independent claim 30. Boyd and Chao et al. do not cure the deficiencies of Martinet. Accordingly, it is believed that claim 34 is allowable over the references cited by the Examiner.

The Examiner rejected claim 35-36 under 35 U.S.C. § 103(a) as unpatentable over Martinet (U.S. Patent No. 4,306,769) in view of Peterson (U.S. Patent No. 6,351,923). Claims 35 and 36 are dependent on independent claims 1 and 18 respectively. As described above, Martinet neither teaches nor renders obvious Applicant's invention, which comprises a tapered tube which is rectilinear, a diffused dome on the top of the tube, and does not require flashing. Peterson does not cure the deficiencies of Martinet. Accordingly, it is believed that claims 33-36 are allowable over the references cited by the Examiner.

The Examiner rejected claim 37 and 44 under 35 U.S.C. § 103(a) as unpatentable over Martinet (U.S. Patent No. 4,306,769) in view of Boyd (U.S. Patent No. 2,858,734) in view of

DeBlock (U.S. Patent Application Publication No. 2003/0066254 A1). As described above, Martinet neither teaches nor renders obvious Applicant's invention, which comprises a tapered tube which is rectilinear, a diffused dome on the top of the tube, and does not require flashing. Claim 37 is dependent upon claim 30. Boyd in view of DeBlock does not cure the deficiencies of Martinet. Accordingly, it is believed that claim 37 is allowable over the references cited by the Examiner.

New dependent claims 45-47 have been added to describe random diffusion, which is not described in the references cited by the Examiner. This random diffusion is discussed above.

None of the references presented by the Examiner include all claimed elements of Applicants invention, as is required under MPEP § 2143.03. None of the references presented by the Examiner teach nor render obvious Applicant's invention, either alone or in combination. Therefore, we believe that Applicant's invention as claimed is in condition for allowance.

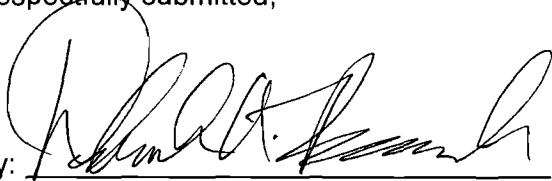
Authorization is given to charge payment of any additional fees required, or credit any overpayment, to Deposit Acct. 13-4213. A duplicate of this paper is enclosed for accounting purposes.

An earnest attempt has been made to respond to each and every ground of rejection advanced by the Examiner. However, should the Examiner have any queries, suggestions or comments relating to a speedy disposition of the application, the Examiner is invited to call the undersigned.

Reconsideration and allowance are respectfully requested.

Respectfully submitted,

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